

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

PERMA-PIPE, INC.	)	
<i>Plaintiff,</i>	)	
	)	
v.	)	Civil Action No. 05CV10454
	)	
BURTON H. KLEINFELD, ESQ. and	)	
KLEINFELD, MEYER & DePAOLA	)	
<i>Defendants.</i>	)	
	)	

JOINT SCHEDULING REPORT

Pursuant to Local Rule 16.1(d), Plaintiff, Perma-Pipe, Inc., together with Defendants, Burton Kleinfeld and Kleinfeld, Meyer & DePaola,<sup>1</sup> submit the following Joint Scheduling Report and state as follows:

1. **Rule 26(f) Conference of Parties**

Counsel for all parties conducted a telephone conference pursuant to Rule 26(f) on July 26, 2005. The parties discussed an agenda for the August 16, 2005, scheduling conference, the arrangement of disclosures required by Rule 26(a)(1), and the development of a proposed discovery plan.

2. **Discovery**

The parties intend to actively engage all discovery procedures, including, but not limited to, depositions, interrogatories and requests for production of documents, in accordance with the following deadlines:

---

<sup>1</sup> The Defendant, Meyer & DePaola, maintains that it is misnamed in the Complaint, as Kleinfeld, Meyer & DePaola.

A. Initial Disclosures

The parties have agreed that initial disclosures pursuant to Rule 26(a) shall be made no later than **August 9, 2005**.

B. Discovery Limitations

The parties believe that the limitations on discovery imposed by the Federal Rules of Civil Procedure and the Local Rules of this Court should apply to this case unless the parties mutually agree otherwise.

3. **Proposed Pre-Trial Schedule**

A. Deadline to serve written discovery, except Requests for Admissions:

**September 30, 2005**

B. Deadline to amend the pleadings and join new parties:

**November 15, 2005**

C. Deadline for filing all motions under FRCP 12, 15, 19, and/or 20:

**December 23, 2005**

D. Deadline for the completion of all party and non-party fact depositions completed:

**February 17, 2006**

E. Deadline for Plaintiff to disclose expert witnesses and provide expert reports:

**March 17, 2006**

F. Deadline for Defendants to disclose expert witnesses and provide expert reports:

**April 14, 2006**

G. Deadline for Plaintiff to disclose rebuttal expert witness and/or report:

**May 19, 2006**

H. Deadline to complete all discovery, including expert depositions:

**June 16, 2006**

I. Deadline to file motions under FRCP 56:

**July 14, 2006**

J. Joint pretrial conference:

**August 18, 2006**

K. Trial date to be set for November 20, 2006, or a date thereafter convenient to the court.

4. **Trial by Magistrate**

At this time, the parties do not consent to trial by a Magistrate Judge.

5. **Settlement**

Settlement discussions are ongoing.

6. **Certifications Pursuant to Local Rule 16.1(D)(3)**

The parties and their respective counsel have conferred to establish a budget for the full course – and various alternative courses – of the litigation. The parties and their respective counsel have also conferred regarding the possibility of employing

alternative dispute resolutions as outlined in Local Rule 16.4. The parties and their counsel will file separate certifications in accordance with Local Rule 16.1(D)(3).

For Defendant,  
BURTON KLEINFELD  
By his attorneys,

For Plaintiff,  
PERMA-PIPE, INC.  
By its attorneys,

/s/ Rebecca L. Rausch, by MPC with permission

David J. Hatem, PC (BBO #225700)  
Nancy M. Reimer (BBO #555373)  
Rebecca L. Rausch (BBO #661304)  
Donovan Hatem LLP  
Two Seaport Lane  
Boston, MA 02210  
(617) 406-4500

/s/ Michael P. Connolly

Michael P. Connolly (BBO #637642)  
Murtha Cullina, LLP  
99 High Street, 20<sup>th</sup> Floor  
Boston, MA 02110  
(617) 457-4000

and

For the Defendant,  
MEYER & DePAOLA  
By its attorneys,

Lawrence J. Quinn (*admitted pro hac vice*)  
Ann M. Grillo (*admitted pro hac vice*)  
Tydings & Rosenberg LLP  
100 East Pratt Street, 26<sup>th</sup> Floor  
Baltimore, Maryland 21202  
(410) 752-9700

/s/ Rebecca L. Rausch, by MPC with permission

David J. Hatem, PC (BBO #225700)  
Nancy M. Reimer (BBO #555373)  
Rebecca L. Rausch (BBO #661304)  
Donovan Hatem LLP  
Two Seaport Lane  
Boston, MA 02210  
(617) 406-4500

Dated: August 9, 2005

00935597  
22575.54